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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 MICHAEL RICHARD BETTENCOURT,

12 Defendant.

3:22-CR-066-MMD-CLB

Preliminary Order of Forfeiture

13 This Court finds Michael Richard Bettencourt pled guilty to Count One of a One-
14 Count Criminal Indictment charging him with possession of child pornography in violation
15 of 18 U.S.C. § 2252A(a)(5)(B). Criminal Indictment, ECF No. 1; Change of Plea, ECF No.
16 __; Memorandum in Support of Plea, ECF No. __.

17 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
18 America has shown the requisite nexus between property set forth in the Memorandum in
19 Support of Plea and the Forfeiture Allegation of the Criminal Indictment and the offense to
20 which Michael Richard Bettencourt pled guilty.

21 The following property is any visual depiction described in 18 U.S.C. § 2252A, or
22 any book, magazine, periodical, film, videotape, or other matter which contains any such
23 visual depiction, which was produced, transported, mailed, shipped or received in violation
24 of 18 U.S.C. § 2252A(a)(5)(B) and any property, real or personal, used or intended to be
25 used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(5)(B) or any
26 property traceable to such property and is subject to forfeiture under 18 U.S.C. § 2253(a)(1)
27 and 2253(a)(3):

28 1. AN HP Laptop Model 17-BY1053DX; and

1 2. Coolpad cell phone IMEI number 860667040759982
2 (all of which constitutes property).

3 This Court finds that on the government's motion, the Court may at any time enter
4 an order of forfeiture or amend an existing order of forfeiture to include subsequently
5 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

6 This Court finds the United States of America is now entitled to, and should, reduce
7 the aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
9 DECREED that the United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
11 rights, ownership rights, and all rights, titles, and interests of Michael Richard Bettencourt
12 in the aforementioned property are forfeited and are vested in the United States of America
13 and shall be safely held by the United States of America until further order of the Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
15 of America shall publish for at least thirty (30) consecutive days on the official internet
16 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
17 describe the forfeited property, state the times under the applicable statute when a petition
18 contesting the forfeiture must be filed, and state the name and contact information for the
19 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).
20 Notice is served on any individual or entity on the date when it is placed in the mail,
21 delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.
22 32.2(b)(6)(D) and Supplemental Rule G4(b)(i) and (iv).

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
24 or entity who claims an interest in the forfeited property must file a petition for a hearing to
25 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
26 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21
27 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
28 petitioner's right, title, or interest in the property, the time and circumstances of the

1 petitioner's acquisition of the right, title or interest in the property, any additional facts
2 supporting the petitioner's claim, and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
4 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
5 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
6 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
7 after the first day of the publication on the official internet government forfeiture site,
8 www.forfeiture.gov, whichever is earlier.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
10 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
11 Attorney's Office at the following address at the time of filing:

12 Daniel D. Hollingsworth
13 Assistant United States Attorney
14 Misty L. Dante
15 Assistant United States Attorney
16 501 Las Vegas Boulevard South, Suite 1100
17 Las Vegas, Nevada 89101.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
19 described herein need not be published in the event a Declaration of Forfeiture is issued by
20 the appropriate agency following publication of notice of seizure and intent to
21 administratively forfeit the above-described property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
23 copies of this Order to all counsel of record.

24 DATED July 7, 2023.

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26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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